



(DND 12)
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3121/P8

JTK:cs:ra

Wanted Wed 10/29 - 3 PM

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

(regenerate)

1 AN ACT ~~to repeal~~ 108.16 (8) (c) 4., 108.16 (8) (e) 4. and 108.225 (1) (d); *to*
2 *renumber* 108.225 (16) (b); *to renumber and amend* 108.04 (2) (a) 3., 108.225
3 (16) (intro.), 108.225 (16) (a) and 108.225 (16) (c); *to amend* 20.445 (1) (gg)
4 (title), 20.445 (1) (n), 20.445 (1) (nb), 108.02 (12) (a), 108.02 (12) (b) (intro.),
5 108.02 (12) (bm) (intro.), 108.02 (15) (L), 108.02 (15m) (a) and (b), 108.025 (title)
6 and (1), 108.025 (2) and (6), 108.04 (1) (gm) 1., 2., 3. and 4. (intro.), 108.04 (7)
7 (h), 108.04 (7) (r), 108.04 (11) (cm), 108.04 (16) (a) (intro.), 108.04 (17) (a) 1. and
8 2., (b) 1. and 2., (c) 1. and 2., (d), (e), (f), (g), (h), (i) and (k) (intro.), 108.05 (7) (a)
9 1., 108.05 (7) (c), 108.05 (7) (d) 1. (intro.), 108.05 (7) (f) (intro.), 108.09 (4) (c),
10 108.14 (8s) (a) and (b), 108.16 (3) (a), 108.16 (6m) (a), 108.16 (6m) (e), 108.16 (8)
11 (b) (intro.), 108.16 (8) (b) 2., 108.16 (8) (f), 108.161 (4) (c), 108.161 (8), 108.162
12 (3), 108.19 (1e) (a) and (d), 108.22 (2) (b), 108.22 (8) (b), 108.225 (1) (b) and
13 108.225 (15); *to repeal and recreate* 108.04 (16) (a) 1. to 4. and 108.04 (16) (b)
14 and (c); *to create* 20.445 (1) (ne), 108.02 (6m), 108.02 (12) (dm) and (dn), 108.02
15 (20r), 108.02 (25s), 108.025 (1) (b), 108.04 (2) (a) 3. a. to c., 108.04 (16) (a) 5.,

108.04 (16) (d) and (e), 108.05 (7) (cm), 108.068, 108.16 (12) and 108.225 (16) (am) of the statutes; and ~~to affect 2001 Wisconsin Act 35, section 72 (2) (a) 2 and 3;~~ relating to: various changes in the unemployment insurance law, granting rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance law. Significant provisions include:

BENEFIT CHANGES

Employee status

Currently, in order to be eligible to claim benefits, an individual must, in addition to other requirements, be an "employee" as defined in the unemployment insurance law. Generally, an "employee" is an individual who performs services for an employer in employment covered under the unemployment insurance law, whether or not the individual is directly paid by the employer. However, an individual is not an "employee" if the individual performs services as an independent contractor.

~~During the four-year period beginning in the year 2000 (the specific date varies in different situations), an independent contractor, other than a logger or trucker performing services for an employer other than a governmental or nonprofit employer, must meet at least seven of ten conditions concerning the individual's relationship to or control over his or her business or the services that he or she performs.~~

~~Two of the conditions that an individual may use to qualify as an independent contractor require the individual to have a federal employer identification number or to have filed business or self-employment income tax returns with the federal internal revenue service based on the services performed as an independent contractor. The other eight conditions are the same eight conditions that an individual was able to use to qualify as an independent contractor prior to the year 2000. These conditions relate to the individual's relationship to or direction or control over his or her business or the services that he or she performs.~~

~~Beginning in 2004, in order to be considered an independent contractor, an individual must hold or have applied for an employer identification number with the federal internal revenue service or must have filed business or self-employment income tax returns with the federal internal revenue service in the previous year and must meet at least six of the eight other conditions concerning the individual's relationship to or direction or control over his or her business or the services that he or she performs. This bill makes permanent the test for determination of "employee" status that is in effect prior to 2004, thus making that test permanent.~~

Approved training

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course

of individuals other than loggers and truckers performing services for an employer other than a governmental or nonprofit employer

unemployment insurance

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keep period

In order to qualify as an independent contractor

eliminate the expiration date for the test that is in effect prior to 2004 to determine

that is a prerequisite to such training ("approved training") under certain conditions. Current law also provides that a claimant is not subject to certain requirements to requalify for benefits by obtaining new work after voluntarily terminating work or failing, without good cause, to accept suitable work or recall to work for a former employer if the failure occurs as a result of participation in a federal training program or the claimant leaves work to enter or continue in such a program.

This bill expands the types of approved training programs for which a participating claimant retains benefit eligibility to include certain programs administered by the Department of Workforce Development (DWD) and job readiness training. The bill expands the types of disqualifications from and suspensions of benefits that do not apply as a result of a claimant's participation in approved training and also specifies certain disqualifications from and suspensions of benefits that do not apply to a claimant who is enrolled in an approved training course even if the course does not directly preclude the claimant from adhering to benefit qualification and requalification requirements. The bill provides that the current exemptions do not apply to a claimant who fails to provide to DWD a social security number or who provides a false social security number. The bill also limits a current benefit disqualification so that it applies only to dislocated workers and workers obtaining training under the federal Trade Adjustment Assistance Act rather than to all workers who participate in certain federal training programs.

Currently, if a claimant is paid benefits for which the claimant would otherwise be ineligible because the claimant terminates his or her work or fails accept suitable work or recall to work for a former employer as a result of enrollment in approved training, the costs of benefits that could otherwise be chargeable to the claimant's employer or employers are charged to the balancing account of the unemployment reserve fund (which is financed from contributions of all employers that are subject to a requirement to pay contributions) instead of to the account or accounts of each of the claimant's employers. This bill provides that if a claimant is paid benefits for which the claimant would otherwise be eligible for any reason as a result of the claimant's enrollment in approved training, the costs of those benefits are charged in the same manner.

Search for work

Currently, in order to remain eligible to receive benefits for a week in which a claimant earns no wages, a claimant is required, among other things, to seek suitable work within that week.

This bill provides instead that, in order to remain eligible to receive benefits for a week in which a claimant earns no wages, the claimant must conduct a reasonable search for suitable work within that week. The bill also provides that the requirement does not apply to an individual if DWD determines that the individual is currently laid off from work with an employer but there is a reasonable expectation of reemployment of the individual by that employer.

Exemption of wages from levies

Currently, DWD may administratively levy against property held by a third party who holds the property of a person who is indebted to DWD for the purpose of enforcing collection of the debt. If the levy is to collect a benefit overpayment or a

which must include two actions that constitute a reasonable search as prescribed by rule of DWD

wages are
forfeiture (civil penalty) imposed upon an employer, an individual debtor is entitled to an exemption of the greater of: 1) 75 percent of the debtor's earnings (excluding amounts withheld by law, insurance premiums, union dues, child support payments, and prior garnishments) then due and owing; or 2) an amount equal to 30 times the federal minimum wage per week or a proportionate amount for any partial week of earnings received.

This bill applies the current exemption only to forfeitures imposed upon an employer. The bill also provides that if the levy is to collect a benefit overpayment, an individual debtor is entitled to an exemption of 80% of the debtor's disposable earnings, except that: 1) a debtor's disposable earnings are totally exempt from levy if the debtor's household income is below the federal poverty line for a household of the debtor's size or the levy would cause that result; 2) DWD may allow a greater exemption upon a showing of hardship; and 3) ~~no exemption applies~~ if there is an ~~unresolved~~ adjudication that the debtor made a false statement or representation in order to obtain benefits. *under certain conditions*

Recovery of benefit overpayments

outstanding
Currently, DWD may offset any benefits that are overpaid to a claimant against benefits that the claimant would otherwise be eligible to receive. This bill provides for DWD to recoup any overpayment instead of offsetting it. The change facilitates collection of overpayments during bankruptcy proceedings. *DWD may decrease or eliminate the*

TAX CHANGES

Special assessments for information technology systems

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2004 in an amount that may not exceed the lesser of 0.01% of the employer's annual taxable payroll for unemployment insurance purposes or the employer's solvency contribution for that year for the purpose of financing the renovation and modernization of the unemployment insurance tax and accounting system. DWD must reduce the solvency rate that an employer must pay in each year prior to 2004 by the special assessment rate applicable to that employer for that year. (The solvency rate is the portion of an employer's contribution rate that is used to maintain the solvency of the unemployment reserve fund.) This bill makes the special assessment requirement and solvency rate offset applicable to calendar years 2004 through 2007. The bill also permits DWD to use the revenue generated by the assessments to upgrade unemployment insurance information technology systems.

Duration of levies

Does not apply
Currently, an administrative levy ~~applies for more than one year~~ after the date of service. This bill removes that limitation. Under the bill, a levy is effective until the debt is satisfied or until DWD releases the levy, whichever occurs first.

Enforcement of assessments against imposters

Currently, if any person makes a false statement or representation in order to obtain benefits in the name of another person, DWD may, by administrative action or by decision in an administrative proceeding, require the person to repay the benefits and may also penalize the person by levying an assessment against him or

her in an amount not greater than 50 percent of the benefits wrongfully obtained. The assessment may be enforced by obtaining a judgment against the person in court and then by levying against the nonexempt property of the person to enforce the judgment. This bill provides, in addition, that DWD may recoup the amount due from other benefits that the person would otherwise be eligible to receive or may issue an administrative levy against the property of the person without a court proceeding.

OTHER CHANGES

Treatment of limited liability companies

Currently, limited liability companies are generally covered under the unemployment insurance system. Current law does not expressly treat the issue of whether members of a limited liability company are considered to be employees of the company and therefore whether they are eligible to receive benefits. Currently, a corporation may, under certain conditions, elect to exclude its principal officers from unemployment insurance coverage, with the result that the corporation pays no contributions based on their services and the officers are not eligible to receive benefits. Currently, if a business has one owner or if a business is organized as a partnership, the owner or partners pay no contributions based on their services and they are not eligible to receive benefits.

This bill provides that a limited liability company shall be treated as a corporation for unemployment insurance purposes, including payment of contributions and eligibility of its members for benefits if it is so treated for federal unemployment tax purposes, beginning with the date it applies to DWD to be so treated. ~~It becomes so treated by the federal Internal Revenue Service, whichever is later.~~ If a limited liability company does not apply to DWD to be treated as a corporation for unemployment insurance purposes or the company is not so treated for federal unemployment tax purposes, the company is treated as a partnership if it has more than one member or as a sole proprietorship (business owned by one individual) if it has only one member, except that, under the bill, DWD may in the interests of justice or to prevent fraud upon the unemployment insurance program determine a member of a limited liability company to be an employee of the company. In this case, the services performed by the member are subject to contributions and the member potentially qualifies to receive benefits.

Treatment of stepchildren

Currently, stepchildren are not treated as children for purposes of the unemployment insurance law. This bill treats stepchildren as children for that purpose. Among other effects, the change means that: a) unless an employer otherwise elects, with the approval of DWD, the wages of the stepchildren of a nonresident alien who has nonimmigrant status are not subject to contribution requirements and these stepchildren may not claim benefits based on their employment; b) ownership of a business by the stepchild of a claimant may result in a limitation of benefit availability based on employment with that business; c) the need to obtain child care for a stepchild or domestic abuse involving a stepchild may serve to permit a claimant to obtain benefits after voluntarily terminating work without requalifying by engaging in new work, under certain conditions; and d)

if the company files proof of such treatment with DWD, except that for benefit purposes the treatment does not apply earlier than proof of such treatment is filed with DWD.

is not

ownership of a business by a stepchild of another owner may result in treatment of the business as the successor of the previous business rather than treatment of the business as a new business, under certain conditions.

Partial successorship

Currently, if at least 25 percent of a business is transferred from one employer to another employer and the transferee requests DWD to treat it as a successor to the transferor for purposes of unemployment insurance experience, including contribution and benefit liability, DWD must treat the transferee as a successor instead of treating it as a new employer, under certain conditions. However, a transferee may not request that it be treated as a successor to a transferor unless 100 percent of the transferor's business is transferred to a single transferee. In addition, DWD must treat a transferee as a successor, under certain conditions, if 100 percent of the transferor's business is transferred to the transferee or if the transferor's unemployment insurance account is overdrawn on the date of the transfer. This bill deletes the restriction that precludes a transferee from requesting that it be treated as a successor unless 100 percent of the transferor's business is transferred to a single transferee and the requirement that DWD must treat a transferee as a successor under the conditions specified above.

Rule making

2001 Wisconsin Act 35 directed DWD to submit proposed rule changes to the legislative council staff no later than December 1, 2002, to:

1. Establish a specified level of repeated absenteeism or repeated tardiness that will permit an employer to terminate an employee without being required to pay the cost of any benefits for which the employee may qualify resulting from the base period applicable to the date of termination, and that will preclude the employee from receiving benefits without requalifying by working for a specified period and receiving a specified amount. (Currently, the degree of absenteeism or tardiness that permits such action varies depending upon the facts of each case.)

2. Specify, in accordance with applicable administrative and judicial interpretations, what constitutes an "establishment" for purposes of a current disqualification from receipt of benefits because of a labor dispute in the establishment in which an employee is or was employed.

This bill repeals ~~this requirement~~

Late appeals

both rule-making requirements

Currently, if a party in an unemployment insurance determination files an appeal that is not timely, DWD may schedule a hearing concerning whether the party's failure to file the appeal on a timely basis was for a reason that was beyond the party's control. This bill provides that if a party files an appeal that is not timely, an appeal tribunal (attorney employed by DWD) must review the reasons given by the party for not filing a timely appeal and if those reasons, taken as true and construed most favorably to the party, do not constitute a reason that was beyond the party's control, the tribunal may dismiss the appeal without a hearing and issue a decision finding that the appeal was not filed on a timely basis. If the tribunal finds that the appeal may have been filed late for a reason that was beyond the party's control, the department may schedule a hearing on that issue.

Method of payment of certain court filing fees

Currently, DWD has a lien on the property of each employer for payment of contributions, together with any interest, fees, and forfeitures owed by the employer. DWD may issue a warrant and record the warrant with the clerk of circuit court to secure payment of the amounts due. DWD need not pay the filing fee with each warrant that is recorded, but instead pays semiannually or at another interval that is agreed to by the clerk of circuit court. This bill provides that DWD need not pay the filing fee for any satisfaction of a warrant or release or withdrawal of a warrant at the time it is recorded, but instead may pay the clerk of circuit court periodically in the same manner that fees for recording of warrants are paid currently.

Payment of banking service costs

Currently, the cost of banking services incurred by the unemployment reserve fund is paid by maintaining compensating balances in the bank accounts that are used to make daily transactions. This bill provides for the treasurer of the fund to make estimates, prior to the beginning of each calendar quarter, of the earnings that the fund could anticipate in that quarter if compensating balances are maintained to cover service costs and, alternatively, if the moneys that would otherwise be maintained in bank accounts to cover service costs were instead retained in the federal unemployment trust account and the banking service costs were paid from that account. The treasurer is directed to pay banking service costs using the method that the treasurer determines will permit the fund to realize the greatest net earnings in that quarter.

Reporting of social security benefit information

Currently, claimants and their employers and retirement systems are required to report to DWD any information specified by DWD relating to the portion of social security benefits received by a claimant that is not based upon taxes paid by a claimant. This bill makes the reporting requirement applicable to all social security benefits received.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.445 (1) (gg) (title) of the statutes is amended to read:

2 20.445 (1) (gg) (title) *Unemployment tax and accounting system information*
3 *technology systems; interest and penalties.*

4 SECTION 2. 20.445 (1) (n) of the statutes, as affected by 2003 Wisconsin Act 33,
5 is amended to read:

INS 7-3A
INS 7-3B

20.445 (1) (n) *Employment assistance and unemployment insurance administration; federal moneys.* All federal moneys received, as authorized by the governor under s. 16.54, for the administration of employment assistance and unemployment insurance programs of the department, for the performance of the department's other functions under subch. I of ch. 106 and ch. 108, except moneys appropriated under par. (nc), and to pay the compensation and expenses of appeal tribunals and of employment councils appointed under s. 108.14, to be used for such purposes, except as provided in s. 108.161 (3e), and from the moneys received by this state under section 902 to transfer to the appropriation account under par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), and to transfer to the appropriation account under par. (nd) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nd), and to transfer to the appropriation account under par. (ne) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amount required to pay for the cost of banking services incurred by the unemployment reserve fund.

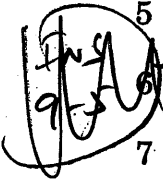
of the Federal Social Security Act as amended

SECTION 3. 20.445 (1) (nb) of the statutes is amended to read:

20.445 (1) (nb) *Unemployment information technology systems; federal moneys.* As a continuing appropriation, the amounts in the schedule, as authorized by the governor under s. 16.54, for the purpose specified in s. 108.19 (1e) (d). All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any unencumbered balance in this appropriation account

1 that is not needed or available to carry out the purpose of this appropriation to the
2 appropriation account under par. (n). No moneys may be expended from this
3 appropriation unless the treasurer of the unemployment reserve fund determines
4 that such expenditure is currently needed for the purpose specified in s. 108.19 (1e)

5 (d).

6  SECTION 4. 20.445 (1) (ne) of the statutes is created to read:

7 20.445 (1) (ne) *Unemployment administration; bank service costs.* All moneys
8 transferred from the appropriation account under par. (n) to be used for the payment
9 of the cost of banking services incurred by the unemployment reserve fund.

10  SECTION 5. 108.02 (6m) of the statutes is created to read:

11 108.02 (6m) CHILD. "Child" means a natural child, adopted child, or stepchild.

12 SECTION 6. 108.02 (12) (a) of the statutes is amended to read:

13 108.02 (12) (a) "Employee" means any individual who is or has been performing
14 services for an employing unit, in an employment, whether or not the individual is
15 paid directly by such employing unit; except as provided in par. (b), (bm), (c) or (d),
16 (dm) or (dn).

17 SECTION 7. 108.02 (12) (b) (intro.) of the statutes is amended to read:

18 108.02 (12) (b) (intro.) During the period beginning on January 1, 1996, and
19 ending on December 31, 1999, ~~and during the period beginning on January 1, 2004,~~
20 with respect to contribution requirements, and during the period beginning on
21 January 1, 1996, and ending on April 1, 2000, ~~and during the period beginning on~~
22 ~~April 4, 2004,~~ with respect to benefit eligibility, par. (a) does not apply to an individual
23 performing services for an employing unit other than a government unit or nonprofit
24 organization in a capacity other than as a logger or trucker, if the employing unit
25 satisfies the department that:

1 **SECTION 8.** 108.02 (12) (bm) (intro.) of the statutes is amended to read:

2 108.02 (12) (bm) (intro.) During the 4-year period beginning on
3 January 1, 2000, with respect to contribution requirements, and during the period
4 beginning on April 2, 2000, ~~and ending on April 3, 2004,~~ with respect to benefit
5 eligibility, par. (a) does not apply to an individual performing services for an
6 employing unit other than a government unit or nonprofit organization in a capacity
7 other than as a logger or trucker, if the employing unit satisfies the department that
8 the individual meets 7 or more of the following conditions by contract and in fact:

9 **SECTION 9.** 108.02 (12) (dm) and (dn) of the statutes are created to read:

10 108.02 (12) (dm) Paragraph (a) does not apply to an individual who owns a
11 business that operates as a sole proprietorship.

12 (dn) Paragraph (a) does not apply to a partner in a business that operates as
13 a partnership.

14 **SECTION 10.** 108.02 (15) (L) of the statutes is amended to read:

15 108.02 (15) (L) "Employment" includes an individual's service for an employer
16 organized as a corporation or a limited liability company that is treated as a
17 corporation under this chapter in which the individual is a principal officer and has
18 a direct or indirect ownership interest, except as provided in s. 108.025.

19 **SECTION 11.** 108.02 (15m) (a) and (b) of the statutes are amended to read:

20 108.02 (15m) (a) A corporation or a limited liability company that is treated
21 as a corporation under this chapter in which 50% or more of the ownership interest,
22 however designated or evidenced, is or during a claimant's employment was owned
23 or controlled, directly or indirectly, by the claimant or by the claimant's spouse or
24 child, or by the claimant's parent if the claimant is under the age of 18, or by a
25 combination of 2 or more of them; or

1 (b) Except where par. (a) applies, a corporation or a limited liability company
2 that is treated as a corporation under this chapter in which 25% or more of ownership
3 interest, however designated or evidenced, is or during a claimant's employment was
4 owned or controlled, directly or indirectly, by the claimant.

5 SECTION 12. 108.02 (20r) of the statutes is created to read:

6 108.02 (20r) PARTNERSHIP. "Partnership" has the meaning given in s. 178.03.

7 SECTION 13. 108.02 (25s) of the statutes is created to read:

8 108.02 (25s) VOCATIONAL TRAINING. "Vocational training" includes technical,
9 skill-based, or job readiness training intended to pursue a career.

10 SECTION 14. 108.025 (title) and (1) of the statutes are amended to read:

11 108.025 (title) Coverage of certain corporate officers and limited
12 liability company members.

13 (1) In this section, "principal officer" means ~~an~~:

14 (a) An individual named as a principal officer in the a corporation's most recent
15 annual report or, if that information is not current, an individual holding an office
16 described in the corporation's most recent annual report as a principal officer; or

17 SECTION 15. 108.025 (1) (b) of the statutes is created to read:

18 108.025 (1) (b) An individual named as a member of a limited liability company
19 that is treated as a corporation under this chapter in the records of the company
20 required to be kept under s. 183.0405 as of the date of an election under this section.

21 SECTION 16. 108.025 (2) and (6) of the statutes are amended to read:

22 108.025 (2) If an employer ~~having~~ is organized as a corporation or limited
23 liability company that is treated as a corporation under this chapter, the employer
24 has no annual payroll for the calendar year preceding an election or ~~an employer~~
25 ~~having~~ has an annual payroll of less than the amount specified in s. 108.18 (9) which

1 establishes separate solvency contribution rates for the calendar year preceding an
2 election, and the employer files a notice of election, in the manner prescribed by the
3 department, to exclude the service of all of its principal officers who have a direct or
4 indirect substantial ownership interest in the corporation or limited liability
5 company, employment does not include the service of those officers.

6 (6) A principal officer has a direct or indirect substantial ownership interest
7 in a corporation or limited liability company that is treated as a corporation under
8 this section if 25% or more of the ownership interest, however designated or
9 evidenced, in the corporation or limited liability company is owned or controlled,
10 directly or indirectly, by the officer.

11 **SECTION 17.** 108.04 (1) (gm) 1., 2., 3. and 4. (intro.) of the statutes are amended
12 to read:

13 108.04 (1) (gm) 1. Dissolution of the family corporation, due to economic
14 inviability, under ch. 180 or the analogous applicable laws of the jurisdiction in which
15 the corporation is incorporated or organized;

16 2. Filing ~~for corporate~~ of a petition in bankruptcy by the family corporation;

17 3. Filing ~~for personal~~ of a petition in bankruptcy by all owners who are
18 personally liable for any of the debts of the family corporation; or

19 108.04 (1) (gm) 4. (intro.) Disposition of a total of 75% or more of the assets of
20 the family corporation using one or more of the following methods:

21 **SECTION 18.** 108.04 (2) (a) 3. of the statutes is renumbered 108.04 (2) (a) 3.
22 (intro.) and amended to read:

23 108.04 (2) (a) 3. (intro.) The individual ~~is seeking suitable work during that~~
24 ~~week or, during the 156 week period beginning on January 2, 2000, the individual~~
25 conducts a reasonable search for suitable work during that week. The reasonable

1 search required during the period specified in this subdivision for suitable work must
2 include 2 actions that constitute a reasonable search as prescribed by rule of the
3 department. ~~The department shall, by rule, require claimants to conduct a~~
4 ~~reasonable search for suitable work during the period beginning after the 156 week~~
5 ~~period specified in this subdivision and shall, by rule, prescribe standards for the~~
6 ~~search to be considered reasonable. This subdivision does not apply to an individual~~
7 ~~if the department determines that the individual is currently laid off from~~
8 ~~employment with an employer but there is a reasonable expectation of~~
9 ~~reemployment of the individual by that employer. In determining whether the~~
10 ~~individual has a reasonable expectation of reemployment by an employer, the~~
11 ~~department shall request the employer to verify the individual's employment status~~
12 ~~and shall also consider other factors, including:~~

13 SECTION 19. 108.04 (2) (a) 3. a. to c. of the statutes are created to read:

14 108.04 (2) (a) 3. a. The history of layoffs and reemployments by the employer;

15 b. Any information that the employer furnished to the individual or the
16 department concerning the individual's anticipated reemployment date; and

17 c. Whether the individual has recall rights with the employer under the terms
18 of any applicable collective bargaining agreement.

19 SECTION 20. 108.04 (7) (h) of the statutes is amended to read:

20 108.04 (7) (h) The department shall charge to the fund's balancing account
21 benefits paid to an employee that are otherwise chargeable to the account of an
22 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
23 if the employee voluntarily terminates employment with that employer and par. (a),
24 (c), (d), (e), (k), (L), (o), (p), (q), or (s) ~~or sub. (16) (b)~~ applies.

25 SECTION 21. 108.04 (7) (r) of the statutes is amended to read:

1 108.04 (7) (r) Paragraph (a) does not apply if the department determines that
2 the employee owns or controls, directly or indirectly, an ownership interest, however
3 designated or evidenced, in a family corporation and the employee's employment was
4 terminated by the employer because of an involuntary cessation of the business of
5 the corporation under one or more of the conditions specified in sub. (1) (gm). In this
6 paragraph, "family corporation" has the meaning given in s. 108.02 (15m) and also
7 includes a corporation or a limited liability company that is treated as a corporation
8 under this chapter in which 50% or more of the ownership interest is or was owned
9 or controlled, directly or indirectly, by one or more brothers or sisters of a claimant,
10 or by a combination of one or more brothers or sisters and one or more of the persons
11 specified in s. 108.02 (15m) (a).

12 SECTION 22. 108.04 (11) (cm) of the statutes is amended to read:

13 108.04 (11) (cm) ~~Any~~ If any person who makes a false statement or
14 representation in order to obtain benefits in the name of another person, the benefits
15 received by that person constitute a benefit overpayment. Such person may, by a
16 determination or decision issued under s. 108.095, be required to repay the amount
17 of the benefits obtained and be assessed an administrative assessment in an
18 additional amount equal to not more than 50% of the amount of benefits obtained.

19 SECTION 23. 108.04 (16) (a) (intro.) of the statutes is amended to read:

20 108.04 (16) (a) (intro.) ~~Benefits~~ The department shall not be reduced reduce
21 benefits under sub. (1) (a), or ~~denied~~ deny benefits under sub. (2) (a) or (d) or (8) or
22 s. 108.141 (3g) to any otherwise eligible individual for any week ~~because the~~ ^{↓ striking}
23 ~~individual is enrolled in a full-time~~ ^{↓ striking} as a result of the individual's enrollment
24 course of vocational training or basic education ^{1/2}
25 which is a prerequisite to such training, provided ~~it is determined~~ the department
determines that: ^{1/2}

1 **SECTION 24.** 108.04 (16) (a) 1. to 4. of the statutes are repealed and recreated
2 to read:

3 108.04 (16) (a) 1. The course is expected to increase the individual's
4 opportunities to obtain employment;

5 2. The training is given by a school established under s. 38.02 or other training
6 institution approved by the department;

7 3. The individual is enrolled full time as determined by the training institution;

8 4. The course does not grant substantial credit leading to a bachelor's or higher
9 degree; and

10 **SECTION 25.** 108.04 (16) (a) 5. of the statutes is created to read:

11 108.04 (16) (a) 5. The individual is attending regularly and making satisfactory
12 progress in the course. The department may require the training institution to file
13 a certification showing the individual's attendance and progress.

14 **SECTION 26.** 108.04 (16) (b) and (c) of the statutes are repealed and recreated
15 to read:

16 108.04 (16) (b) The department shall not apply any benefit disqualification
17 under sub. (1) (b) 1., (2) (a) or (d), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the
18 result of training or basic education under par. (a) while an individual is enrolled in
19 a course of training or education that meets the standards specified in par. (a).

20 (c) If an individual is enrolled in an a program administered by the department
21 for the training of unemployed workers that was in existence on October 1, 2003,
22 other than the Youth Apprenticeship Program under s.106.13 or a plan for training
23 of youth approved under 29 USC 2822, then notwithstanding any failure of the
24 program to meet the standards specified in par. (a):

1 1. The department shall not reduce benefits under sub. (1) (a) or deny benefits
2 under sub. (2) (a) or (d) or (8) or s. 108.141 (3g) to an otherwise eligible individual as
3 a result of the individual's enrollment in such training; and

4 2. The department shall not apply benefit disqualifications under sub. (2) (a)
5 or (d), (7) (c), or (8) (e) or s. 108.141 (3g) ~~and shall not apply any benefit~~
6 ~~disqualification under sub. (1) (b) 1. that is not the result of training on basic~~ ^{(1)(b) 1.,}
7 ~~education under par. (a) while the individual is enrolled in a course of training~~ ^{the program}
8 ~~education that meets the standards specified in par. (a)~~ ^{the program}

9 SECTION 27. 108.04 (16) (d) and (e) of the statutes are created to read:

10 108.04 (16) (d) If an individual is enrolled under the plan of any state for
11 training under 19 USC 2296 or a plan for training of dislocated workers approved
12 under 29 USC 2822:

13 1. The department shall not deny benefits ^{under sub. (7) ✓} as a result of the individual's leaving
14 unsuitable work to enter or continue such training; and

15 2. The requalifying requirements under subs. (7) and (8) do not apply while the
16 individual is enrolled in such training.

17 (e) The department shall charge to the fund's balancing account the cost of
18 benefits paid to an individual that are otherwise chargeable to the account of an
19 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
20 if the individual receives benefits based on the application of par. (b), (c) 2. or (d).

21 SECTION 28. 108.04 (17) (a) 1. and 2., (b) 1. and 2., (c) 1. and 2., (d), (e), (f), (g),
22 (h), (i) and (k) (intro.) of the statutes are amended to read:

23 108.04 (17) (a) 1. During the period between 2 successive academic years or
24 terms, if the school year employee performed such services for an any educational
25 institution in the first such year or term and if there is reasonable assurance that he

1 or she will perform such services for an any educational institution in the 2nd such
2 year or term; or

3 2. During the period between 2 regular but not successive academic terms,
4 when an agreement between an employer and a school year employee provides for
5 such a period, if the school year employee performed such services for an any
6 educational institution in the first such term and if there is reasonable assurance
7 that he or she will perform such services for an any educational institution in the 2nd
8 such term.

9 (b) 1. During the period between 2 successive academic years or terms, if the
10 school year employee performed such services for any such -a- government unit,
11 Indian tribe, or nonprofit organization in the first such year or term and if there is
12 reasonable assurance that he or she will perform such services for any such -a-
13 government unit, Indian tribe, or nonprofit organization in the 2nd such year or
14 term; or

15 2. During the period between 2 regular but not successive academic terms,
16 when an agreement between an employer and a school year employee provides for
17 such a period, if the school year employee performed such services for any such -a-
18 government unit, Indian tribe, or nonprofit organization in the first such term and
19 if there is reasonable assurance that he or she will perform such services for any such
20 -a- government unit, Indian tribe, or nonprofit organization in the 2nd such term.

21 (c) 1. During the period between 2 successive academic years or terms, if the
22 school year employee performed such services for an any educational service agency
23 in the first such year or term and if there is reasonable assurance that he or she will
24 perform such services for an any educational service agency in the 2nd such year or
25 term; or

1 2. During the period between 2 regular but not successive academic terms,
2 when an agreement between an employer and a school year employee provides for
3 such a period, if the school year employee performed such services for ~~an~~ any
4 educational service agency in the first such term and if there is reasonable assurance
5 that he or she will perform such services for ~~an~~ any educational service agency in the
6 2nd such term.

7 (d) A school year employee of an educational institution who performs services
8 other than in an instructional, research or principal administrative capacity is
9 ineligible for benefits based on such services for any week of unemployment which
10 occurs during a period between 2 successive academic years or terms if the school
11 year employee performed such services for ~~an~~ any educational institution in the first
12 such year or term and there is reasonable assurance that he or she will perform such
13 services for ~~an~~ any educational institution in the 2nd such year or term.

14 (e) A school year employee of a government unit, Indian tribe, or nonprofit
15 organization which provides services to or on behalf of ~~an~~ any educational institution
16 who performs services other than in an instructional, research or principal
17 administrative capacity is ineligible for benefits based on such services for any week
18 of unemployment which occurs during a period between 2 successive academic years
19 or terms if the school year employee performed such services for any such ~~a~~
20 government unit or nonprofit organization in the first such year or term and there
21 is reasonable assurance that he or she will perform such services for any such ~~a~~
22 government unit, Indian tribe, or nonprofit organization in the 2nd such year or
23 term.

24 (f) A school year employee of an educational service agency who performs
25 services other than in an instructional, research or principal administrative

1 capacity, and who provides such services in an educational institution or to or on
2 behalf of an educational institution, is ineligible for benefits based on such services
3 for any week of unemployment which occurs during a period between 2 successive
4 academic years or terms if the school year employee performed such services for ~~an~~
5 any educational service agency in the first such year or term and there is reasonable
6 assurance that he or she will perform such services for ~~an~~ any educational service
7 agency in the 2nd such year or term.

8 (g) A school year employee of an educational institution who performs services
9 as described in par. (a) or (d) is ineligible for benefits based on such services for any
10 week of unemployment which occurs during an established and customary vacation
11 period or holiday recess if the school year employee performed such services for ~~an~~
12 any educational institution in the period immediately before the vacation period or
13 holiday recess, and there is reasonable assurance that he or she will perform the
14 services described in par. (a) or (d) for ~~an~~ any educational institution in the period
15 immediately following the vacation period or holiday recess.

16 (h) A school year employee of a government unit, Indian tribe, or nonprofit
17 organization which provides services to or on behalf of an educational institution
18 who performs the services described in par. (b) or (e) is ineligible for benefits based
19 on such services for any week of unemployment which occurs during an established
20 and customary vacation period or holiday recess if the school year employee
21 performed such services for any such ~~a~~ government unit, Indian tribe, or nonprofit
22 organization in the period immediately before the vacation period or holiday recess,
23 and there is reasonable assurance that the school year employee will perform the
24 services described in par. (b) or (e) for any such ~~a~~ government unit, Indian tribe, or

1 nonprofit organization in the period immediately following the vacation period or
2 holiday recess.

3 (i) A school year employee of an educational service agency who performs the
4 services described in par. (c) or (f), and who provides such services in an educational
5 institution or to or on behalf of an educational institution, is ineligible for benefits
6 based on such services for any week of unemployment which occurs during an
7 established and customary vacation period or holiday recess if the school year
8 employee performed such services for an any educational service agency in the period
9 immediately before the vacation period or holiday recess, and there is reasonable
10 assurance that the school year employee will perform the services described in par.
11 (c) or (f) for an any educational service agency in the period immediately following
12 the vacation period or holiday recess.

13 (k) (intro.) If benefits are reduced or denied to a school year employee who
14 performed services other than in an instructional, research or principal
15 administrative capacity under pars. (d) to (f), and the department later determines
16 that the school year employee was not offered an opportunity to perform such
17 services for the an applicable employer under pars. (d) to (f) in the 2nd academic year
18 or term, the department shall recompute the school year employee's base period
19 wages under sub. (4) (a) and ss. 108.05 (1) and 108.06 (1) and shall make retroactive
20 payment of benefits for each week of such reduction or denial if the school year
21 employee:

22 SECTION 29. 108.05 (7) (a) 1. of the statutes is amended to read:

23 108.05 (7) (a) 1. "Pension payment" means a pension, retirement, annuity, or
24 other similar payment made to a claimant, based on the previous work of that
25 claimant, whether or not payable on a periodic basis, from a governmental or other

1 retirement system maintained or contributed to by an employer from which that
2 claimant has base period wages, ~~other than a payment received under the federal~~
3 ~~Social Security Act (42 USC 301 et seq.) that is based in whole or in part upon taxes~~
4 ~~paid by the claimant.~~

5 SECTION 30. 108.05 (7) (c) of the statutes is amended to read:

6 108.05 (7) (c) *Required benefit reduction.* If Except as provided in par. (cm), if
7 a claimant actually or constructively receives a pension payment, the department
8 shall reduce benefits otherwise payable to the claimant for a week of partial or total
9 unemployment, but not below zero, if pars. (d) and (e) or if pars. (d) and (f) apply.

10 SECTION 31. 108.05 (7) (cm) of the statutes is created to read:

11 108.05 (7) (cm) *Payments received under Social Security Act.* If a claimant
12 receives a pension payment under the federal Social Security Act (42 USC 301 et
13 seq.), the department shall not reduce the benefits otherwise payable to the claimant
14 resulting from the claimant's receipt of the portion of the pension payment that is
15 based upon taxes paid by the claimant.

16 SECTION 32. 108.05 (7) (d) 1. (intro.) of the statutes is amended to read:

17 108.05 (7) (d) 1. (intro.) If a pension payment to which par. (c) applies is not paid
18 on a weekly basis, the department shall allocate and attribute the payment to
19 specific weeks if:

20 SECTION 33. 108.05 (7) (f) (intro.) of the statutes is amended to read:

21 108.05 (7) (f) *Partial or total employee funding.* (intro.) If any portion of a
22 pension payment to which par. (c) applies that is actually or constructively received
23 by a claimant under this subsection is funded by the claimant's contributions, the
24 department shall compute the benefits payable for a week of partial or total
25 unemployment as follows:

SECTION 34. 108.068 of the statutes is created to read:

108.068 Treatment of limited liability companies and members. (1)

(2) to (6) and (8) *multi-member*
 Subject to subs. (3) to (7), the department shall treat a limited liability company as a partnership *and shall treat a single-member limited liability company as a sole proprietorship* unless the company *has filed an election with the federal internal revenue service to be treated as a corporation for contribution and benefit purposes and files proof with the* department that the company has applied to the federal internal revenue service *and the internal revenue service has agreed to treat the company as a corporation for such purposes.*

is treated (7) (2) Subject to subs. (2) to (6) if the department shall treat a limited liability company that elects to be treated as a corporation under this chapter *may file an election to again be treated as a partnership* *or shall treat the company as a sole proprietorship under this chapter if the company has multiple members* *if the company has a single member* *if the company files proof with the department that the company has applied to the federal internal revenue service to be treated as a partnership for federal unemployment tax purposes and the internal revenue service has agreed to treat the company as a partnership for such purposes.*

(2) (3) The department shall treat a limited liability company that files *proof* *as a corporation under this chapter* under sub. (1) *beginning on the same date that the federal internal revenue service treats the company in accordance with*

that election for federal unemployment tax purposes, or on the date that the company the federal internal revenue service shall apply on the same date that the federal internal revenue service applies the treatment or the date that proof is filed with the department, whichever is later.
 (3) (4) Subject to subs. (1), (2) and (6) to (8) a limited liability company that is treated as a corporation for federal unemployment tax purposes shall be treated as a corporation under this chapter, and each member of the limited liability company shall be treated as a corporate officer for contribution and benefit purposes.

(4) (5) Subject to ~~sub (2) and (6) to (8)~~ multi member
 a limited liability company with at least 2 members that
 is not treated as a corporation for federal ~~unemployment~~ tax purposes shall be
 treated as a partnership under this chapter, and the members of the limited liability
 company shall be treated for contribution and benefit purposes as partners of that
 partnership.

(5) (6) Subject to ~~sub (2) and (6) to (8)~~ single-member
 a limited liability company with a single member that
 is not treated as a corporation for federal ~~unemployment~~ tax purposes shall be
 treated as a sole proprietorship under this chapter, and the member shall be treated
 as a sole proprietor for contribution and benefit purposes.

(6) (7) The department may, in the interests of justice or to prevent fraud upon the
 unemployment insurance program, determine that a member of a limited liability
 company is an employee of that company.

SECTION 35. 108.09 (4) (c) of the statutes is amended to read:

108.09 (4) (c) *Late appeal.* If a party files an appeal which is not timely, an
appeal tribunal shall review the appellant's written reasons for filing the late appeal.
If those reasons, when taken as true and construed most favorably to the appellant,
do not constitute a reason beyond the appellant's control, the appeal tribunal may
dismiss the appeal without a hearing and issue a decision accordingly. Otherwise,
 the department may schedule a hearing concerning the issue question of whether the
 party's failure to timely file the appeal was filed late for a reason that was beyond
 the party's appellant's control. The department may also provisionally schedule a
 hearing concerning any matter in the determination. ~~If, after hearing testimony, the~~
~~appeal tribunal finds that the party's failure to timely file the appeal was not for a~~
~~reason beyond the party's control, the appeal tribunal shall issue a decision~~
~~containing this finding and dismissing the appeal. If, after hearing testimony, the~~

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1 ~~appeal tribunal finds that the party's failure to timely file an appeal was for a reason~~
2 ~~beyond the party's control, the appeal tribunal shall issue a decision containing this~~
3 ~~finding. The being appealed. After hearing testimony on the late appeal question,~~
4 ~~the appeal tribunal shall issue a decision which makes ultimate findings of fact and~~
5 ~~conclusions of law concerning whether the the appellant's appeal was filed late for~~
6 ~~a reason that was beyond the appellant's control and which, in accordance with those~~
7 ~~findings and conclusions, either dismisses the appeal or determines that the appeal~~
8 ~~was filed late for a reason that was beyond the appellant's control. If the appeal is~~
9 ~~not dismissed, the same or another appeal tribunal established by the department~~
10 ~~for this purpose, after conducting a hearing, shall then issue a decision under sub.~~
11 ~~(3) (b) after conducting a hearing concerning any matter in the determination.~~

12 SECTION 36. 108.14 (8s) (a) and (b) of the statutes are amended to read:

13 108.14 (8s) (a) Overpayments of unemployment insurance benefits as
14 determined under this chapter may be ~~recovered by offset~~ recouped from
15 unemployment insurance benefits otherwise payable under the unemployment
16 insurance law of another state, and overpayments of unemployment insurance
17 benefits as determined under the unemployment insurance law of that other state
18 may be ~~recovered by offset~~ recouped from unemployment insurance benefits
19 otherwise payable under this chapter; and

20 (b) Overpayments of unemployment insurance benefits as determined under
21 applicable federal law, with respect to benefits or allowances for unemployment
22 provided under a federal program administered by this state under an agreement
23 with the U.S. secretary of labor, may be ~~recovered by offset~~ recouped from
24 unemployment insurance benefits otherwise payable under that program, or under
25 the unemployment insurance law of this state or of another state or any such federal

1 unemployment benefit or allowance program administered by the other state under
2 an agreement with the U.S. secretary of labor if the other state has in effect a
3 reciprocal agreement with the U.S. secretary of labor as authorized by 42 USC 503
4 (g) (2), if the United States agrees, as provided in the reciprocal agreement with this
5 state entered into under 42 USC 503 (g) (2), that overpayments of unemployment
6 insurance benefits as determined under this chapter, and overpayments as
7 determined under the unemployment insurance law of another state which has in
8 effect a reciprocal agreement with the U.S. secretary of labor as authorized by 42
9 USC 503 (g) (2), may be ~~recovered by offset~~ recouped from benefits or allowances for
10 unemployment otherwise payable under a federal program administered by this
11 state or the other state under an agreement with the U.S. secretary of labor.

12 SECTION 37. 108.16 (3) (a) of the statutes is amended to read:

13 108.16 (3) (a) Any overpayment for which the claimant's liability to reimburse
14 the fund is established under s. 108.22 (8) or any assessment under s. 108.04 (11) (cm)
15 for which a final determination has been issued under s. 108.09 upon receipt of
16 certification by the department that reasonable efforts have been made to recover the
17 overpayment or the amount of the assessment and that ~~it~~ the amount due is
18 uncollectible.

19 SECTION 38. 108.16 (6m) (a) of the statutes is amended to read:

20 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (7) (h),
21 (8) (a), ~~or~~, (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), (6), or (8), 108.14 (8n)
22 (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

23 SECTION 39. 108.16 (6m) (e) of the statutes is amended to read:

1 108.16 (6m) (e) Any overpayment of benefits or assessment that is written off
2 under sub. (3), unless except, in the case of an overpayment, if it is chargeable to an
3 employer's account under s. 108.04 (13).

4 SECTION 40. 108.16 (8) (b) (intro.) of the statutes is amended to read:

5 108.16 (8) (b) (intro.) If the business of any employer is transferred ~~to a single~~
6 transferee, the transferee is deemed a successor for purposes of this chapter if the
7 department determines that all of the following conditions have been satisfied:

8 SECTION 41. 108.16 (8) (b) 2. of the statutes is amended to read:

9 108.16 (8) (b) 2. The transfer included 100% at least 25% of the transferor's
10 total business ~~on~~ as measured by comparing the payroll experience assignable to the
11 the portion of the business transferred with the transferor's total payroll experience
12 for the last 4 completed quarters immediately preceding the date of the transfer.

13 SECTION 42. 108.16 (8) (c) 4. of the statutes is repealed.

14 SECTION 43. 108.16 (8) (e) 4. of the statutes is repealed.

15 SECTION 44. 108.16 (8) (f) of the statutes is amended to read:

16 108.16 (8) (f) The successor shall take over and continue the transferor's
17 account, including its positive or negative balance and all other aspects of its
18 experience under this chapter. ~~If the transfer included less than 100% of the~~
19 ~~transferor's total assets on the date of the transfer, the department shall allocate the~~
20 ~~transferor's experience to the successor in proportion to the payroll assignable to the~~
21 transferred business and the liability of the successor shall be proportioned to the
22 extent of the transferred business. The transferor and the successor shall be jointly
23 and severally liable for any amounts owed by the transferor to the fund and to the
24 administrative account at the time of the transfer, but a successor under par. (c) is
25 not liable for the debts of the transferor except in the case of fraud or malfeasance.

1 **SECTION 45.** 108.16 (12) of the statutes is created to read:

2 108.16 (12) The fund's treasurer shall estimate at the end of each calendar
3 quarter the earnings rate payable on the fund's bank balances and the earnings rate
4 payable by the federal unemployment account under title XII of the Social Security
5 Act (42 USC 1321 to 1324) for the following quarter. Based on these estimates, the
6 treasurer shall pay for the cost of banking services incurred by the fund in the
7 following quarter either by maintaining compensating bank balances or by payment
8 for the services from the appropriation under s. 20.445 (1) (ne), whichever payment
9 method is estimated to yield the highest net earnings for the fund.

10 **SECTION 46.** 108.161 (4) (c) of the statutes, as affected by 2003 Wisconsin Act
11 33, is amended to read:

12 108.161 (4) (c) Specifying that the appropriated amounts are available for
13 obligation solely within the 2 years beginning on the appropriation law's date of
14 enactment. This paragraph does not apply to the appropriation appropriations
15 under s. 20.445 (1) (nd) and (ne) or to any amounts expended from the appropriation
16 under s. 20.445 (1) (nb) from moneys transferred to this state on March 13, 2002,
17 pursuant to section 903 (d) of the federal Social Security Act.

18 **SECTION 47.** 108.161 (8) of the statutes is amended to read:

19 108.161 (8) If any sums are appropriated and spent hereunder to buy land and
20 to build a suitable employment security building thereon, or to purchase information
21 technology hardware and software, then any federal moneys thereafter credited to
22 the fund or paid to the department by way of gradual reimbursement of such
23 employment security capital expenditures, or in lieu of the estimated periodic
24 amounts which would otherwise (in the absence of such expenditures) be federally
25 granted for the rental of substantially equivalent quarters, shall be credited to the

1 account created by sub. (1), consistently with any federal requirements applicable to
2 the handling and crediting of such moneys.

3 SECTION 48. 108.162 (3) of the statutes, as affected by 2003 Wisconsin Act 33,
4 is amended to read:

5 108.162 (3) The amount obligated under this section during any fiscal year may
6 not exceed the aggregate of all amounts credited under s. 108.161 (1), including
7 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.
8 20.445 (1) (nb) and, (nd) and (ne) and further reduced at the time of any obligation
9 by the sum of the moneys obligated and charged against any of the amounts thus
10 credited.

11 SECTION 49. 108.19 (1e) (a) and (d) of the statutes are amended to read:

12 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an
13 employer that finances benefits by reimbursement in lieu of contributions under s.
14 108.15, 108.151, or 108.152 shall, in addition to other contributions payable under
15 s. 108.18 and this section, pay an assessment to the administrative account for each
16 year prior to the year ~~2004~~ 2008 equal to the lesser of 0.01% of its payroll for that year
17 or the solvency contribution that would otherwise be payable by the employer under
18 s. 108.18 (9) for that year.

19 (d) The department may expend the moneys received from assessments levied
20 under this subsection in the amounts authorized under s. 20.445 (1) ^(gh) ~~(nb)~~ for the
21 renovation and modernization of unemployment insurance information technology
22 systems, ~~including the tax and accounting system, and~~ specifically including
23 development and implementation of a new system and reengineering of automated
24 processes and manual business functions.

25 SECTION 50. 108.22 (2) (b) of the statutes is amended to read:

1 108.22 (2) (b) The clerk of circuit court shall accept, file and enter the each
2 warrant under par. (a) and each satisfaction, release, or withdrawal under subs. (5),
3 (6), and (8m) in the judgment and lien docket without prepayment of any fee, but the
4 clerk of circuit court shall submit a statement of the proper fee semiannually to the
5 department covering the periods from January 1 to June 30 and July 1 to December
6 31 unless a different billing period is agreed to between the clerk of circuit court and
7 the department. The fees shall then be paid by the department, but the fees provided
8 by s. 814.61 (5) for entering the warrants shall be added to the amount of the warrant
9 and collected from the employing unit when satisfaction or release is presented for
10 entry.

11 SECTION 51. 108.22 (8) (b) of the statutes is amended to read:

12 108.22 (8) (b) To recover any overpayment which is not otherwise repaid or
13 recovery of which has not been waived, or any assessment under s. 108.04 (11) (cm),
14 the department may ~~offset~~ recoup the amount of the overpayment against from
15 benefits the individual would otherwise be eligible to receive, or file a warrant
16 against the liable individual in the same manner as is provided in this section for
17 collecting delinquent payments from employers, or both, but only to the extent of
18 recovering the actual amount of the overpayment and any costs and disbursements,
19 without interest.

20 SECTION 52. 108.225 (1) (b) of the statutes is amended to read:

21 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
22 benefit overpayment, an assessment under s. 108.04 (11) (cm), or any liability of a
23 3rd party for failure to surrender to the department property or rights to property
24 subject to levy after proceedings under sub. (4) (b) and s. 108.10 to determine that
25 liability.

1 ~~SECTION 53. 108.225 (1) (d) of the statutes is repealed.~~

2 SECTION 54. 108.225 (15) of the statutes is amended to read:

3 108.225 (15) DURATION OF LEVY. A levy is effective from the date on which the
4 levy is first served on the 3rd party until the liability out of which the levy arose is
5 satisfied, or until the levy is released ~~or until one year from the date of service,~~
6 whichever occurs first.

7 SECTION 55. 108.225 (16) (intro.) of the statutes is renumbered 108.225 (16) (a)
8 (intro.) and amended to read:

9 108.225 (16) (a) (intro.) In the case of ~~benefit overpayments and forfeitures~~
10 imposed upon an employing unit under s. 108.04 (11) (c), an individual debtor is
11 entitled to an exemption from levy of the greater of the following:

12 SECTION 56. 108.225 (16) (a) of the statutes is renumbered 108.225 (16) (a) 1.
13 and amended to read:

14 108.225 (16) (a) 1. A subsistence allowance of 75% of the debtor's disposable
15 earnings ~~then due and owing;~~

16 SECTION 57. 108.225 (16) (am) of the statutes is created to read:

17 108.225 (16) (am) 1. In the case of benefit overpayments, an individual debtor
18 is entitled to an exemption from levy of 80% of the debtor's disposable earnings,
19 except that:

20 a. A debtor's disposable earnings are totally exempt from levy if the debtor's
21 ~~household income is~~ ^{wages are} below the federal income guideline established under 42 USC
22 9902 (2) for a household of the debtor's size or the levy would cause that result.

23 b. Upon petition by a debtor demonstrating hardship, the department may
24 increase the portion of the debtor's disposable earnings that are exempt from levy.

1 c. The department may decrease or eliminate the exemption from levy under
2 this paragraph if a final determination has been issued under s. 108.09 or a judgment
3 has been entered under s. 108.24 (1) in which the debtor has been found guilty of
4 making a false statement or representation to obtain benefits and the benefits and
5 any assessment under s. 108.04 (11) (cm) have not been paid or reimbursed at the
6 time that the levy is issued, unless the fund's treasurer has written off the debt under
7 s. 108.16 (3) (a).

8 2. The department shall by rule prescribe a methodology for application of the
9 exemption applicable to a levy under subd. 1. a. at the time that the levy is issued.

10 SECTION 58. 108.225 (16) (b) of the statutes is renumbered 108.225 (16) (a) 2.

11 SECTION 59. 108.225 (16) (c) of the statutes is renumbered 108.225 (16) (a) 3.

12 and amended to read:

13 108.225 (16) (a) 3. In the case of earnings for a period other than a week, a
14 subsistence allowance computed so that it is equivalent to that provided in ~~par. (b)~~
15 subd. 2. using a multiple of the federal minimum hourly wage prescribed by rule of
16 the department.

17 SECTION 60. 2001 Wisconsin Act 35, section 72 (2) (a) 2. and 3. are repealed.

18 SECTION 61. Nonstatutory provisions.

19 (1) PAYMENT OF OUTSTANDING BANK SERVICE CHARGES. Notwithstanding the
20 treatment of sections 20.445 (1) (n) and (ne), 108.16 (12) and 108.161 (4) (c) of the
21 statutes by this act, the treasurer of the unemployment reserve fund may transfer
22 moneys from the appropriation account under section 20.445 (1) (n) of the statutes,
23 as affected by this act, to the appropriation account under section 20.445 (1) (ne) of
24 the statutes, as created by this act, and may thereafter pay any banking service costs
25 incurred by the fund that are outstanding on the effective date of this subsection from

1 the appropriation under section 20.445 (1) (ne) of the statutes, as created by this act,
2 if the treasurer determines that the fund would realize higher net earnings by taking
3 such action.

4 (2) NOTICE OF LEVY FOR YEAR 2004.

5 (a) In this subsection, “employer” has the meaning given in section 108.02 (13)
6 of the statutes.

7 (b) Notwithstanding section 108.19 (1e) (b) of the statutes, the department of
8 workforce development may, no later than the 60th day commencing after the
9 effective date of this subsection, publish a notice under that paragraph of an
10 assessment to be levied against employers under section 108.19 (1e) of the statutes,
11 as affected by this act, in the year 2004.

12 **SECTION 62. Appropriation changes.**

13 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of workforce development under section 20.445 (1) (gg) of the
15 statutes, as affected by the acts of 2003, the dollar amount is increased by \$430,200
16 for fiscal year 2003–04 and the dollar amount is increased by \$430,200 for fiscal year
17 2004–05 to provide funding to upgrade unemployment insurance information
18 technology systems.

19 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the department of workforce development under section 20.445 (1) (nb) of the
21 statutes, as affected by the acts of 2003, the dollar amount is increased by \$2,500,000
22 for fiscal year 2003–04 and the dollar amount is increased by \$2,500,000 for fiscal
23 year 2004–05 to provide funding to upgrade unemployment insurance information
24 technology systems.

25 **SECTION 63. Initial applicability.**

1 (1) The treatment of sections 20.445 (1) (n) and (ne), 108.16 (12) and 108.161
2 (4) (c) (with respect to the reference to section 20.445 (1) (ne) of the statutes) of the
3 statutes first applies with respect to the first calendar quarter beginning after the
4 effective date of this subsection.

5 (2) The renumbering and amendment of section 108.04 (2) (a) 3. of the statutes
6 and the creation of section 108.04 (2) (a) 3. a. to c. of the statutes first apply with
7 respect to determinations issued under section 108.09 of the statutes on the effective
8 date of this subsection.

9 (3) The treatment of sections 108.02 (25s), 108.04 (7) (h) and (16) (a) (intro.),
10 1. to 4., and 5., (b), (c), (d), and (e), and 108.16 (6m) (a) of the statutes first applies
11 with respect to weeks of unemployment beginning on the effective date of this
12 subsection.

13 (4) The treatment of section 108.09 (4) (c) of the statutes first applies with
14 respect to determinations issued under sections 108.09, 108.095, and 108.10 of the
15 statutes on December 29, 2003.

16 (5) The treatment of sections 108.04 (11) (cm), 108.14 (8s) (a) and (b) and 108.22
17 (8) (b) of the statutes first applies with respect to determinations issued under
18 section 108.09 of the statutes on the effective date of this subsection.

19 (6) The treatment of sections 108.16 (3) (a) and (6m) (e) and 108.225 (1) (b) ~~and~~
20 ~~(d)~~, (15), (16) (intro.), (a), (am), (b), and (c) of the statutes first applies with respect
21 to levies issued on the effective date of this subsection.

22 (7) The treatment of section 108.16 (8) (b) (intro.) and 2., (c) 4., (e) 4., and (f) of
23 the statutes first applies with respect to partial transfers of businesses occurring
24 after December 31, 2003, and to transfers of businesses of which the department of
25 workforce development receives notice after January 31, 2004.

1 (8) The treatment of section 108.22 (2) (b) of the statutes first applies with
2 respect to satisfactions, releases, and withdrawals of warrants issued on the effective
3 date of this subsection.

4 **SECTION 64. Effective dates.** This act takes effect on the first Sunday after
5 publication, except as follows:

6 **(END)**

MS 12-10:1

Section #. 108.04 (1) (g) 1. ~~MA 12-10:1~~ of the statutes ^{is} are amended to read:

108.04 (1) (g) 1. Employment by a partnership, ^{or limited liability company} if a one-half or greater ownership interest in ^{that is treated as a partnership} the partnership ^{under this chapter} is or during such employment was owned or controlled, directly or indirectly, by the individual's spouse or child, or by the individual's parent if the individual is under age 18, or by a combination of 2 or more of them.

~~SECTION # RP; 108.04 (1) (g) 1L.~~
~~History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35.~~

1L. Employment by a limited liability company, if a one-half or greater ownership interest in the limited liability company is or during such employment was owned or controlled, directly or indirectly, by the individual's spouse or child, or by the individual's parent if the individual is under age 18, or by a combination of 2 or more of them.

~~History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35.~~

~~SECTION # AM; 108.04 (1) (g) 2, and 3.~~

⑩ 108.04 (1) (g) 2. Employment by a corporation, ^{or limited liability company that is treated as a corporation} if one-half or more of the ownership interest, however designated or evidenced, in the corporation ^{or limited liability company} is or during such employment was owned or controlled, directly or indirectly, by the individual or by the individual's spouse or child, or by the individual's parent if the individual is under age 18, or by a combination of 2 or more of them.

~~History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35.~~

JWS/2-10.2

or limited liability company
that is treated as a
corporation
under
this
chapter

3. Except where subd. 2. applies, employment by a corporation, if one-fourth or more of the ownership interest, however designated or evidenced, in the corporation is or during such employment was owned or controlled, directly or indirectly, by the individual.

or limited
liability company

History: 1971 c. 40, 42, 53, 241; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3121/P8ins
JTK.....

INS 2A:

Prior to the year 2000, in order to qualify as an independent contractor, an individual, other than a logger or trucker performing services for an employer other than a governmental or nonprofit employer, was required to meet at least one of two conditions (having a federal employer identification number or having filed federal business or self-employment tax returns based on services performed as an independent contractor), plus at least ⑥ of ⑧ other conditions relating to the individual's relationship to or control over his or her business or the services that he or she performs.

six eight

INS 7-3A

no ⑧ From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and (13) (c) and 108.22, as a continuing appropriation, the amounts in the schedule for the purpose specified in s. 108.19 (1e) (d).

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33.

7-3B
INS 9A:

SECTION 1. 20.445 (1) (gh) of the statutes is amended to read:

20.445 (1) (gh) *Unemployment information technology systems; assessments.*

All moneys received from assessments levied under s. 108.19 (1e) (a) and 1997 Wisconsin Act 39, section 164 (2), for the purpose specified in s. 108.19 (1e) (d). The treasurer of the unemployment reserve fund may transfer moneys from this appropriation account to the appropriation account under par. (gd).

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997


a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33.

SECTION 2. 20.445 (1) (nd) of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

20.445 (1) (nd) *Unemployment insurance administration; apprenticeship.*
~~From the moneys received from the federal government under section 903 of the federal Social Security Act, as amended, the~~ The amounts in the schedule, as authorized by the governor under s. 16.54, to be used for administration by the department of apprenticeship programs under subch. I of ch. 106. All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any unencumbered balance in this appropriation account that is not needed or available to carry out the purpose of this appropriation to the appropriation account under par. (n). No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purpose specified in this paragraph.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33.

INS 9-9:

 Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any unencumbered balance in this appropriation account that is not needed or available to carry out the purpose of this appropriation to the appropriation account under par. (n). No moneys may be expended from this

appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purpose specified in this paragraph.[✓]

INS 23-13:

(8) The department shall treat a limited liability company that files proof under sub. (7) as a partnership or sole proprietorship under this chapter beginning on the same date that the federal internal revenue service treats the company as a partnership or sole proprietorship for federal tax purposes, except that for benefit purposes the treatment shall apply on the same date that the internal revenue service applies the treatment or the date that proof is filed with the department, whichever is later. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3121/P8dn

JTKa...:....

October 28, 2003

↑
stays

[Handwritten signature]
JTS

Tom Smith:

1. I have completely rewritten the analysis item relating to "Employee status". I agree that the original version was somewhat convoluted and hope that the new version is more concise and easier to follow. ✓

2. Regarding the analysis item relating to "Partial successorship", I don't think there is any mix-up. Please look at this item a little more closely and ~~tell me, if you can~~ *let me know* exactly what is inaccurate or misleading about it. *[circled]*

3. Regarding Troy Sterr's comments:

a. I have amended s. 20.445 (1) (n), stats. ^{and} (the "mother" federal appropriation) to reference s. 903 of the social security act as the source of all funds appropriated under s. 20.445 (1) (nb) ~~(nd)~~ ^{and proposed} stats. I did not put in any date because I think some of these transfers may have occurred or will be occurring on different dates. This makes it unnecessary to repeat this language in s. 20.445 (1) (nd), stats. ^{and proposed} so the draft deletes it from there. ✓

b. The fact that proposed s. 20.445 (1) (ne) is a program-revenue federal, continuing appropriation is derived from the text of the appropriation and the text of s. 20.445 (1) (n), stats., as well as the lettering. See s. 20.001 (3) (c), stats. (last sentence) and s. 20.001 (3) (c) 5., stats. Since this appropriation, unlike s. 20.445 (1) (gg) and (nb), stats., is an "all moneys" appropriation, it is not limited by the amounts in the schedule. Therefore, no appropriation amount is shown. The only exception to this rule is in the budget bill, which is the only bill that repeals and recreates the entire appropriation schedule. ✓

4. Per our phone conversation of this date, you were going to determine if the substantive change relating to reporting of social security benefit information was wanted. If not, we will reverse the change in the next draft.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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LEGISLATIVE REFERENCE BUREAU

LRB-3121/P8dn
JTK:cjs:pg

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